

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

LAKESHIA L. McNEAL, as Natural Mother)	
and Guardian of Joshua L. McNeal,)	
)	
Plaintiff,)	
)	
v.)	No. 07-0430-SSA-CV-W-WAK
)	
MICHAEL J. ASTRUE, Commissioner,)	
Social Security Administration,)	
)	
Defendant.)	

ORDER

On December 19, 2007, defendant moved to remand the above-captioned case to the Commissioner for further administrative action, pursuant to 42 U.S.C. § 405(g). The reviewing court¹ may remand a case to the Commissioner for good cause shown at any time before defendant files an answer in a Social Security disability proceeding. Shalala v. Schaefer, 509 U.S. 292, 297 (1993). Defendant has not filed an answer in this case.

The Commissioner requests this remand in order to hold a new hearing and reconstruct the claims file because the transcript of the prior hearing cannot be located. Plaintiff does not object to a remand, and indicates she does not have a copy of the transcript. "[W]here the claimant's files cannot be located or are incomplete, good cause would exist to remand the claim to the Commissioner for appropriate action to produce a record. . . ." H.R. Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980).

The court finds there is good cause to remand the above-captioned case to the Commissioner to allow for the location or reconstruction of the claims file.

IT IS, THEREFORE, ORDERED that defendant's motion to remand is granted and this case is remanded to the Commissioner for further action consistent with this order. [8]

¹With the consent of the parties, this case was assigned to the United States Magistrate Judge, pursuant to the provisions of 28 U.S.C. § 636(c).

Dated this 20th day of December, 2007, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge